

April 18, 1973

will not be paid at the end of this month if we don't pass this bill and this is the reason for doing this and, therefore, I will have to move that we take up LB 311 at this time. I am not certain whether other bills similar to that or not but this is a special bill. This is a little different than all the rest of them and it is just to make a correction in a former law which this Legislature has enacted and, if we have made mistakes in the past which makes it impossible for our people to accept federal funds and use them, then I think it is our prerogative, it's our duty to pass this bill before this body adjourns. So, I move that we take this up at this time.

PRESIDENT: All right. Now then, the question before the body now is shall LB 311 be considered at this time. Now, Senator Syas, do you wish to be heard on that issue? All right. Senator Carsten. Senator Cal Carsten.

SENATOR CAL CARSTEN: Mr. President and members of the Legislature, I am not objecting to the bill. I am not questioning the need but I think let's take the bill in its due process. We'll get to General File after we get off of Final Reading. Let's follow our procedure that we set up to follow.

PRESIDENT: Any further discussion of the motion to hear 311 or discuss 311 at this time. Senator Snyder. All right. Passing. Is there any further discussion? Senator Whitney, do you want to be heard again on your motion? Senator Whitney is closing, now, on his motion...

SENATOR WHITNEY: I'd like to close...

PRESIDENT: Stand by, Senator Whitney. Pardon me. Senator Carpenter would like to be heard. Senator Carpenter.

SENATOR CARPENTER: Now, I am in sympathy and I hope the chair will bear with me. I think this is reasonably important. What he is trying to do, about a year or so ago, I was responsible for amending a bill which indicated that if we assumed an obligation, whether we had an appropriation or not, they had to raise the sales and the income tax to a point necessary to fund it. Now, it'd seem to me if you adopt this motion, and I have no objection personally, in fact I'm in favor of it. But I think then we ought to suggest to Senator Whitney to go to the Attorney General's office to get a ruling because it is quite important, not only in this, but everything else we would do. It's way beyond... I had forgotten about it. I attempt to do so many things that I'm 73 along with it that I don't remember everything I've done. I know I should but this is a sleeper that was done for that specific purpose to break this body of the habit of authorizing and not funding. Now, as I understand it, and I think we ought to have an opinion from the Attorney General. He can't get it today but if we can get it by the time this thing would be effective insofar as what it attempts to do, and then if we want to do whatever we want to do at that time knowing full well what will have to happen, then we ought to assume the responsibility for their action. So, I would ask Senator Whitney if he will agree to go to the Attorney General and pose this question under the law that was amended sometime ago. Do they have to set the sales and income tax high enough in order to take care of authorizations, even though there is not an appropriation made for it. If he says no, fine. If he says yes, then you will want to consider it and everything else on that bases.

PRESIDENT: Senator Whitney, do you care to respond?

SENATOR WHITNEY: Yes. I would respond favorably to that, with reference to this particular correction in this bill. I have gone to the Attorney General and he says it is